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SUBJECT: REVOLUTIONARY JUSTICE: CHANGES IN VENEZUELA'S TOP COURT

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d)

Summary

1. (U) The new Venezuelan Supreme Court (TSJ) elected Justice Omar Mora President of the Court in its first plenary session February 2. Former TSJ President Ivan Rincon announced his resignation from the Court the same day. In his first public remarks as TSJ President, Mora said that those justices who voted against the thesis that the April 2002 events were a coup should be removed. A former member of Venezuela's Communist Party and self-described leftist revolutionary, Mora called for a thorough purge of the judicial system. Former MVR Deputy Luis Velasquez Alvaray was elected head of the powerful TSJ Judicial Committee and of the Executive Directorate of the Magistracy. The following day, the Judicial Committee suspended two members of a Caracas Appeals court after the court ruled to lift a travel restriction against those accused of signing the Carmona decree. End Summary.

New Leadership at TSJ

2. (U) The Venezuelan Supreme Court elected Omar Mora President of the Court February 2, with 30 of 31 possible votes. Mora is also President of the Social Chamber of the Court. Former president Ivan Rincon announced his resignation on the same day, after failing to gain support for his reelection. The Plenary also elected former Movimiento Quinto Republica (MVR) Deputy Luis Velasquez Alvaray to head of the powerful Judicial Committee and the Executive Directorate of the Magistracy (DEM). The National Assembly appointed Velasquez to the TSJ's Constitutional Chamber as part of the recent expansion of the Court. The DEM administers the entire lower court system in Venezuela, under the supervision of the Judicial Committee. Up to now, the President of the TSJ had also led the Judicial Committee. Former Military Prosecutor General Eladio Aponte Aponte, also a new member of the Court, was elected President of the Penal Chamber. Justices appointed by the National Assembly in December 2004 under the new TSJ law took over as president of four of the six chambers.

Omar Mora

3. (U) Omar Mora has described himself in recent newspaper interviews as an independent leftist revolutionary. "I want profound changes in the political and social structure of Venezuela," he told daily newspaper El Nacional February 4. He described himself as, "absolutely identified with the process of changes the constitution stimulates, which correspond to my childhood dreams." Mora praised President Hugo Chavez as "the fundamental motor" of the (revolutionary) process. He also proudly claimed that he was imprisoned seven times between 1966 and 1967, for collaborating with guerrillas as a member of the Communist Youth as a teenager.

Judicial Reforms

4. (C) Mora called for a "revolutionary transformation of the judicial system." He attacked the judicial system as slow, expensive, corrupt and bureaucratic, and promised a reform based on "dignity, honesty, and love." Mora claims he wants to institute reforms along the lines of his reforms in Venezuela's labor courts. Judicial observers, including Marino Alvarado of the independent human rights group PROVEA, and David Varela of the World Bank, have praised these reforms, which have eliminated a large backlog of cases, and given workers and employers access to a system which encourages negotiated agreements. Alvarado told PolOff February 1, however, that the decisions and judges in these courts were not of very high quality.

15. (U) Mora also proposed a "review" of judges. He publicly attacked the TSJ justices who voted in August 2002 that the events of April of that year did not constitute a coup, but rather a "power vacuum," and called for the removal of all judges who do not support the constitution, or who go against it ("coup mongers"). Mora argued that the TSJ's absolution of the military officers accused in the

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April events led directly to the national strike in late 2002. He has also attacked the release of criminals based on "legal formalities," while promising to respect judicial independence.

Luis Velasquez Alvaray

16. (C) Velasquez's election as head of the DEM and the Judicial Committee makes him the de facto manager Venezuela's court system. Velasquez was the leading proponent of the Supreme Court law which resulted in the expansion of the Court, and under which he was named to the TSJ. Fellow MVR Deputy Roberto Quintero told PolOff that Velasquez was one of two men responsible for choosing the new TSJ justices. Velasquez speculated publicly in June 2004 that 90% of all sitting judges would eventually be removed by President Chavez' supporters. He is now in charge of the body responsible for hiring, training, disciplining and firing Venezuela's judges.

First Act

17. (U) On February 4 the Judicial Committee, under Velasquez, suspended three judges in Caracas for actions taken in the Carmona decree case. One of the judges had issued an order prohibiting persons under investigation in the case from traveling outside the country, an order which potentially effected over 400 persons. The others had annulled the order on February 1, lifting the restrictions against the suspects. Mora publicly defended the suspensions, stating, "this measure should serve as an example, as we are not ever again going to permit, under the excuse of formalisms, that impunity is generated." Velasquez called the Appeals Court decision part of a "destabilization process" linked to the April 2002 events. He promised to intervene in the future in any similar actions by the courts. The magistrates who took over the duties of the suspended judges reversed the decision to lift the travel ban February 19.

Comment

18. (C) With the election of the Mora/Velasquez team to lead the TSJ, supporters of President Chavez in the judiciary have discarded the appearance of maintaining judicial independence. Mora makes much of his revolutionary credentials, and if he is bound by his words, political considerations are likely to predominate in the Court's work. Brownfield